

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| ABUNDANT EPHESIAN 320 SPECTRUM, LLC |) | File No. 0006598972 |
| |) | |
| Station WQTI787 |) | |

ORDER

Adopted: March 18, 2015

Released: March 19, 2015

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* As set forth below, we conclude that the above-captioned station licensed to Abundant Ephesian 320 Spectrum, LLC (Abundant) has automatically terminated for failure to construct. Consequently, we will dismiss the pending construction notification and modify the Commission's licensing records to reflect the cancellation of the license.

2. *Background.* Abundant was granted a license for the above-captioned conventional 806-821/851-866 MHz Specialized Mobile Radio Pool station at two locations in Colorado on February 11, 2014. On December 30, 2014, Abundant filed a notification indicating that the station facilities had been constructed as of that date.¹ On January 16, 2015, M2M Spectrum Networks, LLC (M2M) filed an opposition to the construction notification, arguing that the station had not been constructed.² In support, M2M provided correspondence from the site owners stating that they had no lease with Abundant, and Abundant had no equipment at those sites.

3. On February 9, 2015, the Wireless Telecommunications Bureau's Mobility Division (Division), acting pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ requested that Abundant provide specified information concerning the construction and operational status of the above-captioned station within thirty days.⁴ The Division's letter was returned as undeliverable.

4. *Discussion.* Section 90.155 of the Commission's Rules provides that a license for a private land mobile radio station must be placed in operation within twelve months from the date of grant or the authorization cancels automatically.⁵ The information provided by M2M is persuasive evidence that Abundant's station has not been constructed and is not in operation, and that its authorization cancelled automatically. In addition, Abundant's failure to respond to the Division's letter presumptively indicates that the stations are not constructed or operational.⁶ Therefore, we will dismiss the pending

¹ See FCC File No. 0006598972.

² Letter dated Jan. 16, 2015 from Rob Somers, General Counsel, M2M to Marlene H. Dortch, Secretary, FCC.

³ 47 U.S.C. § 308(b).

⁴ Letter dated Feb. 9, 2015, from Scot Stone, Deputy Chief, Wireless Telecommunications Bureau, to J. Otis Mitchell, Manager, Abundant Ephesians 320 Spectrum, LLC. The letter was sent to the addresses of record on Abundant's license.

⁵ See 47 C.F.R. § 90.155(a).

⁶ See, e.g., Milton H. Pintell, *Order on Reconsideration*, 20 FCC Rcd 19315, 19316 ¶ 5 (WTB PSCID 2005).

construction notification and update the Commission's Universal Licensing System to reflect the cancellation of the license for Station WQTI787.

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 90.155 of the Commission's Rules, 47 C.F.R. § 90.155, the informal complaint filed by M2M Spectrum Networks, LLC on January 16, 2015 IS GRANTED, application FCC File No. 0006598972 SHALL BE DISMISSED, and the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WQTI787.

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. § 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau